

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**HAL K. WALDMAN and DIANE R.
WALDMAN, Individually and as Parents
and Natural Guardians of KELLY
WALDMAN, a Minor,**

CIVIL NO. 98-2346 (RLA)

Plaintiffs,

v.

**RESTAURANT ASSOCIATES OF
P.R. INC., et al.,**

**MOTION FOR APPROVAL OF SETTLEMENT AND DIVISION OF PROCEEDS TO
PLAINTIFFS AND THEIR LEGAL REPRESENTATIVES**

TO THE HONORABLE COURT:

APPEAR NOW, Plaintiffs Hal K. Waldman and Diane R. Waldman, individually and in representation of their minor daughter Kelly Waldman, through the undersigned attorneys and, respectfully state and allege as follows:

On August 27, 1999, the parties, with the help of the Honorable Judge Acosta, settled their dispute for the sum of One Hundred Fifty Two Thousand Five Hundred dollars (\$152,500.00)

Plaintiffs in this case are Hal K. Waldman, Diane R. Waldman and their minor daughter.

(31) no

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Kelly Waldman. Kelly Waldman is presently ten (10) years old, having been born on June 27, 1989.

Plaintiffs' propose that the division of the settlement proceeds be as follows:

Kelly Waldman, Social Security No. 189-70-6643 will be entitled to 100% after attorneys fees and expenses

Hal K. Waldman and Diane Waldman have waived their portion of the damages for the sole benefit of their daughter, Kelly Waldman. They also have approved the settlement, as individuals and on behalf of their daughter Kelly. (See Exhibit 1: Unsworn Statement Under Penalty of Perjury.)

The attorneys fees of the undersigned firm have been contracted to be 25% of the total settlement funds prior to expenses being deducted. $25\% (\$152,500) = \$38,125.00$. Expenses born by the undersigned law firm in representation of plaintiffs amount to \$2,276.26. (See Exhibit 2. Breakdown of Expenses). The attorneys fees (\$38,125.00) and expenses (\$2,276.26) total \$40,401.26.

Mr. Hal K. Waldman has waived attorneys fees and expenses incurred on behalf of the legal representation of his daughter, Kelly.

Total payment for the benefit of Kelly Waldman will be the total settlement amount less attorneys fees and expenses of Indiano Williams and Weinstein-Bacal which is as follows:

$\$152,500.00 - \$40,401.26 = \$112,098.74$

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THE MECHANICS OF THE PROCESS

We propose that the checks totaling the entire settlement amount be issued by defendants to Hal, Diane & Kelly Waldman and Indiano, Williams and Weinstein-Bacal. Defendants and Plaintiffs attorneys will exchange settlement checks for the original release. Plaintiffs will endorse both checks which will be temporarily deposited in Indiano, Williams Weinstein Bacal Escrow Account. Once the checks clear, Indiano Williams and Weinstein Bacal will deduct the aforementioned attorneys fees and expenses and issue a check for \$112,098.74 on behalf of Kelly Waldman made out to Hal K. Waldman, Esq. In Trust for Kelly Waldman, to be deposited by her father, Hal K. Waldman, in an account guaranteed by the full faith and credit of the U.S. Government and not to be withdrawn until the age of Eighteen (18) or as otherwise provided by the laws of Pennsylvania.

In the meantime, and before the minor's deposit is made, Hal K. Waldman will inform the Court the proposed type of account and nature of the deposit or investment, he will make on behalf of his daughter Kelly.

WHEREFORE, it is respectfully requested that the Court **APPROVE** the settlement and the distribution as previously stated and that it **ORDER** the defendants' to proceed with payment in such fashion within the next ten (10) days.

RESPECTFULLY SUBMITTED.


In San Juan, Puerto Rico this 7th day of September, 1999.

I HEREBY CERTIFY: That a copy of the foregoing document has been sent to James A

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Toro, Esq., P.O. Box 192386, San Juan, Puerto Rico 00919-2386, and to Luis Ramón Ortiz Segura, Esq., P.O. Box 9024098, San Juan, Puerto Rico 00902-4098

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A handwritten signature in black ink, appearing to read 'Jeffrey M. Williams', is written over a horizontal line.

JEFFREY M. WILLIAMS
U.S.D.C. # 202414